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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 3896 of 2007

PETITIONER		Pyarelal, aged about 35 years, S/o. Atmaram By caste Gond, R/o. village Dhandongri, Post Patpar, Tahsil Dongargarh, Dist. Rajnandgaon.
	Versus	
RESPONDENTS	1)	The State of Chhattisgarh, through Secretary, Ministry of Panchayat and Social Welfare Department, D.K.S. Bhawan, Raipur.
	2)	Deputy Director, Panchayat And Social Welfare, Rajnandgaon.
	3)	Chief Executive Officer, Janpad Panchayat, Dongargarh, Dist. Rajnandgaon.
	4)	The Sarpanch, Gram Panchayat Dhandongri, Tahsil Dongargarh, Dist. Rajnandgaon.
	5)	Hira Lal, S/o. Deenuram, R/o. Village Dhandongri, Tahsil Dongargarh, Distt. Rajnandgaon.

(Writ Petition under Article 226 and 227 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present: Shri Parag Kotecha, counsel for the petitioner.
Smt. Anju Ahuja, Dy. Govt. Advocate for the State.

ORDER
(Passed on 11th July, 2007)

Learned counsel appearing for the petitioner submits that the petitioner made an application pursuant to the advertisement for appointment on the post of Panchayat Karmi. The name of the petitioner was approved by Gram Panchayat as well as by Gram Sabha, Dhandongri, Tahsil Dongargarh, Dist. Rajnandgaon, in resolution dated 25-10-2005. Despite the resolution passed by the Gram Panchayat recommending the name of the petitioner for

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appointment on the post of Panchayat Karmi, no appointment order has been passed till date. Now, Panchayat is proceeding for making appointment of Panchayat Karmi afresh, without passing any order in favour of the petitioner. It was next contended that the petitioner has reasonable apprehension that the Panchayat may invite applications for fresh appoint on the post of Panchayat Karmi without complying with the earlier recommendation of the Gram Panchayat for appointment on the post of Panchayat Karmi.

2) It is trite law that even if the petitioner acquires the requisite qualification, he has no indefeasible right to be appointed except in case of arbitrariness or irregularity like junior has been appointed and the petitioner has been left out. It is not the case in the present petition.

3) On the basis of selection, even if it is done in accordance with law, the petitioner cannot claim right to the post, as it is well settled in a catena of decisions of the Supreme Court.

4) In the case of **Shankarsan Dash Vs. Union of India**[1], it was held by the Supreme Court that "it is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied".

5) It was subsequently followed in **Ludhiana Central Cooperative Bank Ltd. Vs. Amrik Singh and others**[2], wherein it was held by the Supreme Court that "even otherwise, it is well settled by now that a person whose name is said to find place in a selected panel has no vested right to get appointed to the post in spite of vacancies existing".

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[1] (1991) 3 SCC 47
[2] (2003) 10 SCC 136

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6) Further, in **Union of India and others Vs. Kali Dass Batish and another**[3], the Supreme Court held that "mere inclusion of a candidate's name in the selection list gave him no right, and if there was no right, there could be no occasion to maintain a writ petition for enforcement of a non-existing right".

7) Since the petitioner has no right to the post, thus, no writ or direction can be issued in exercise of its discretionary jurisdiction under Article 226 of the Constitution of India, to the respondents No. 3 and 4 to appoint the petitioner on the post of Panchayat Karmi.

8) There is no merit in the case. The petition is dismissed accordingly.

Sd/-
Satish K. Agnihotri
Judge

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[3] (2006) 1 SCC 779